

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DAVID BRAY,
Plaintiff,

Docket No: 18-cv-5205

**PLAINTIFF'S
MOTION FOR
SUBSTITUTION OF
DEFENDANT**

-against-

PURPLE EAGLE ENTERTAINMENT, INC., and
RICHARD MGRDECHIAN,
Defendants.

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Now comes Plaintiff, by and through the undersigned attorney, and respectfully gives notice of the death of the Defendant in this action. Plaintiff has been informed that Defendant Richard Mgrdechian died on or about August 7th, 2020, in New York. Plaintiff's legal interests and causes of action in this matter remain unaffected by the death of Defendant. Accordingly, Under FRCP 25(a)(1), Plaintiff motions this court for an order of substitution of the deceased Defendant with the Defendant's estate, or successor(s).

Plaintiff's Motion to Substitute (ECF No. 117) is DENIED WITHOUT PREJUDICE. Plaintiff shall resubmit the Motion to Substitute in accordance with Fed. R. Civ. P. 25(a) by **Friday, November 20, 2020**. See Crichlow v. Fischer, No. 12 Civ. 7774 (NSR), 2015 WL 678725, at *5 (S.D.N.Y. Feb. 17, 2015) (denying motion to substitute "without prejudice to refile at a later date, for failure to follow the procedure set forth in Rule 25 and Rule 4," and collecting cases).

The Clerk of Court is respectfully directed to close ECF No. 117.

SO-ORDERED 11/13/2020

Respectfully submitted,



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SARAH L. CAVE
United States Magistrate Judge